
BOARD OF SELECTMEN

MEETING MINUTES

12/8/09

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 7:03 P.M. with the Pledge of Allegiance

PUBLIC DISCUSSION

Dave expressed appreciation to all those who attended the special town meeting.

Town Clerk, Kathryn Herrick presented the results of the State Primary for Senator as follows: 1241 voters, Democrats; Capuano 209, Coakely 479, Paliuga 119, Khazei 111, and Republicans; Brown 290, and Robinson 31.

Ernie Sund of Lancaster Ave., congratulated the board as well as the Green Energy Task Force, the Planning Board and any other boards in town that participated in passing the Wind Energy Bylaw and has in his hand the first wind energy wind building permit for his property. Board expressed appreciation to Mr. Sund for his participation.

ANNOUNCEMENTS

Saturday, December 12th 2009, between 10:00 am – 4:00 pm Fire Department is hosting an event to commemorate the 2008 ice storm and to prepare ourselves as a community. Starter emergency preparedness kits will be provided.

Notice that the pancake breakfast scheduled for tomorrow at the Eagle House Senior Center has been cancelled due to the anticipated snowstorm.

APPOINTMENTS

1. 7:15 P.M. Public Hearing, Beer & Wine License Application, Bengal's Convenience, 21 Main St. - Chair opened the public hearing as follows: The Licensing Authority will hold a Public Hearing on December 8th at 7:15 PM in the Joseph F. Bilotta Meeting Room, 2nd Floor Town Hall, on the application for a Beer & Wine License. This application is being submitted by Amani Shaker & Medhat Khairalla, d/b/a Bengals Convenience and said license is to be exercised 21 Main Street, Lunenburg, MA, 01462, Tom Alonzo, Chairman Board of Selectmen, Licensing Authority. Chair questioned how many of these we are allowed, per Kerry, we are allowed 10 and this is based upon population. Amani came before the board and informed them that she would like to sell beer and wine and would put this in one section which is currently in a small area of one of three coolers. Dave questioned training and how they will be selling. Amani stated that she has done this for over a year and is familiar with the requirements to require identification.

Judy Comeau from Trudies Treats came before the board and noted that her business has been here for three years and has been coming in constantly for beer and wine license and was told that she was put on a list. She had spoken to Linda every time and was told there were none available. She had been informed about this license application and questioned why she wasn't told that one was available. She understands that it doesn't mean that she's going to get it, but she wanted to be able to sell desert wines. Wouldn't do what Elena's does (baskets etc.); and she was told by Linda that she had told me that a license was available, which she didn't. Questioned if there is a list and whether she should have put in an application three years ago, know this was a misunderstanding and she wants the license as she has been waiting for three years.

Per Kerry, when Trudy asked for the license two or three years ago all the licenses were taken and what has happened is that one holder did not renew for 2009. She has checked with both Linda and Laura and we do not have a list or a policy. This is the first time that we've had a request for more licenses than is available. She did speak with Linda who informed her that she did speak with someone at Trudy's and that she had informed then (Trudies Treats) when the prior license had not been renewed.

Chair questioned how quickly can we establish a policy and a way to alert people and notify them that a license is available so that we can have an orderly queue for license requests. Judy did submit an application when she was advised that someone had already applied, has been waiting three years. Chair would want to see that Judy will be the first on the list, in line once we are aware of license availability. Paula would think that it's incumbent upon our office to notify the applicant that a license was available; the error is on our part and not hers. Noted she was also concerned about the proximity of these licenses being so close to one another. Steve noted that we haven't faced this for a long time, when we faced this with the all alcoholic and beer and wine. Concerned that we have nothing in other areas of town with all the proposed developments that are going to be taking place we should be considering the locations of license holders. We should be looking at what the total development throughout town is as this is our last license. Don't want to see us ten years down the road with no licenses available. The Whalom area will be a huge area for drawing people with the two developments pending and are scheduled to be built out.

Chair questioned the legalities of how we can deny a license, is it totally up to the board? Can we hold and pick and choose who we give them to without good reason for denying. Tom M., noted we have an application in front of us and have a person who's been interested, do we look at who did come first, who's had a license in the past? Dave noted that we knew that there was an existing person that was in the queue and surprised that we didn't take an application is bothersome. Per Kerry, you could have an application

on file, but you might have a lot of new information that is necessary versus a list. Board has asked two pertinent questions; one, when could we expect an increase in our quota and two can we deny an application, or how to determine. Paula would like to understand the authority of the License Commission, which Kerry stated was within the Blue Book. Paula also questioned whether TIPS training is required for this type of license as well.

Chair continued public hearing to December 15th so that we can investigate these questions.

Philip Arcidi, representing his father Joseph Arcidi, who is owner of the property of which Trudy's Treats is a tenant and that he agrees with Paula.

Lance Roselle is also interested in the license for a property along Mass Ave., and noted that the on the TIPS program, it is a requirement for those who sell beer and wine and agrees with trying to space these licenses for the convenience of the town as well, which will help everyone in the long run.

Kahn Mouhaddin, Hawden Park Market wanted to note that he is not in favor of the license and will speak on this at next week's meeting.

Chair accept a motion to continue to next Tuesday @ 7:15 PM, Paula so moved, Steve seconded, voted unanimously.

Amani returned to the end of the board's meeting to express her concern the beer & wine license application as she has a five year lease on this property and without this she will not be able to pay her rent. Chair explained that the board did understand and will discuss this next week.

2. 7:30 P.M. Public Hearing, Earth Removal Permit Application, 227 Arbor St., Oak Haven Estates – Chair opened the public hearing as follows: A public hearing will be held on Tuesday, December 8, at 7:30 PM in the Joseph F. Bilotta Meeting Room, 2nd Floor, Town Hall, Lunenburg on the application submitted by Donna Buja, for an Earth Removal Permit in accordance with Article IX, Section 9 of the Town's By-Laws. Said application is for removal of gravel, loam, sand, etc. from the land located at 227 Arbor Street. Thomas A. Alonzo, Chairman, Board of Selectmen. Tom and Donna Buja were present and informed the board that the area is about 60,000 yards of material that could be moved from out of the property. Dan Proctor and Steve Powell have been working with the Buja's, originally had intended to subdivide but with the economy being as it is, they have decided to excavate the area. The existing house is in the upper left hand corner of the property and it is approximately four acres. Chair questioned what the grade will be when they have completed. Per Mr. Buja it will not be below the grade of the house, won't be below fifty feet. Per Kerry this was reviewed by the enforcement officer and he noted that there were no requirements. Tom M., would also like to have the Conservation Commission's recommendation, how long this operation will take and how many trucks will be using the street as it is narrow. Per Tom Buja will all be dependant upon what the job requirements are and what direction they trucks will need to travel, does not have a timeline but is aware that these need to be renewed annually. Per Donna, most of this is dependant upon the projects that either the Powell's or Proctor's have and could arrange the hours that wouldn't be obtrusive to the other property's.

Chair noted the parcel on Reservoir Road that came up and would like to hear from the contractors that they will be using. Steve noted that one reason is because we, the town, owns the town that abuts this property and want to ensure that there isn't a 50 foot slope and want to see how the land is going to be repaired, how it's going to be left. If we don't put any regulations on the permit itself, it's too late after it's gone. Need to know what the slopes will be and what it's supposed to look at, needs to be mined in a proper way, wants to know when all is said and done what will the property look like. Chair would like to know what the contours of the land will be once the project is completed. Basically looking for an overview of this plan and what it's going to look like and a recommendation from Conservation.

Abutter Ronald Godin of 237 Arbor Street (property is 1.2 acres) noted the plot plan and the driveway abuts their land by about 300 feet and are very concerned about this. There is no buffer and they get nothing out of it and its right in their back yard. Understand Tom and Donna's issue but this is not good for us. Karen Godin entirely sympathetic with the Buja's situation, but we're all hurting because of the economy, don't know that we should also hurt for their hurt. Compromise our air quality both with the dust and the diesel fumes. Arbor Street is also going to be impacted, with this amount of gravel coming out of this area and as all of us are on well water, concerned what this is going to do to the quality of the wells and as our house is right along their drive, concerned as to what the impact will have on their home. This will not benefit us in any way, but it will cost us. Also concerned as a Town of Lunenburg citizen, long term lasting detrimental impact on the environment and that the town is set up to grow orderly in development for the town. Gravel removal is an intensive operation which will impact a residential area and in the rocky hills of that area noise travels miles away. This operation will not only impact them but other residents of Lunenburg also concerned with the increase in ATV's using this area. The wear and tear on community roads and Arbor Street is already being impacted by the use of trucks and the driveway is located on a curve that has seen a number of fatalities. Would like the Buja's to be responsible for mitigating and we've already heard that this could be a long timeline and doesn't want to see her retirement impacted. Presented a google image and noted that there is already a substantial amount of deforestation that is occurring on this property, noted that their gain is truly our loss and questioned if any of the board members would like to see this in their back yard.

Chair would need to see an engineered plan and a final grade plan, and reports from the Conservation Commission on the impact, the Chief of Police on the traffic safety, the Board of Health on the well water issue, the building inspector. Also noted the impact on the roadway.

Paula would also like to see the grade is prior to the excavation and the completion. She is also very concerned about not having a timeline and the fact that this is a residential area and how this operation is going to take place. Noted that other licenses, we know what area they are going to be mining and what sections are to be mined.

Steve noted that this is almost a markup as to what we had on Burrage Street, Whitetail Crossing. We're aware of the issues when you come out onto the roadway. Per Tom M., we need a plan to protect everyone involved. Chair noted that we will submit this application to the board's that we've mentioned and will continue this hearing to February 16th. Paula so moved, Tom M., seconded voted to continue. Tom M., would recommend we hold off until we have a detailed plan, but Paula noted that it may be prudent to get to boards such as the Conservation Commission, the enforcement officer and, the police chief. Steve noted that we're looking for a closure plan and plan of operations.

Dan Proctor came before the board as he heard his named mentioned while listening to the board meeting at home and wanted it noted that he is in no way involved in the removal of this gravel and takes offense that his name was mentioned. He has never spoken with the applicants on this project.

3. 8:15 P.M. Interview, Sandra Flanagan – Council on Aging - Present was Sandra Flanagan of 595 Leominster Road. Sandra is interested in serving on the Council on Aging has been a resident for about 34 years now and is a retired employee of the town and worked in the school system for 20 plus years; as library aide, coaching softball and field hockey and Director of the Extended Day Program. Prior to her employment with the town she was an x-ray technician for 15 years. Chair noted that the Council on Aging recommended Ms. Flanagan's appointment, Tom M., move to appoint Sandra Flanagan, Steve seconded, voted unanimously.

4. 8:20 P.M. School Regionalization Update, Loxi Jo Calmes, School Superintendent – Loxi presented the following resolution for a vote of the board refreshing the town's Statement of Interest (SOI) to include the Lunenburg High School as this was not done previously when she came before the board. We received further communication from MSBA (Massachusetts School Building Authority) that they have requested the board vote the following resolution, this is the process with the MSBA and there are several other steps that we will be addressing and are waiting on final report status. These are extensive votes that must be taken by the Board of Selectmen and the School Committee, noted that the lack of modernization is hindering our educational plan. Tom M., questioned that numbers 4 and 6 are not included in this motion and per Loxi, these were excluded they apply to prevention of severe overcrowding expected as a result of increased enrollment and transition for racial balancing so they filed under the five priorities that fit our circumstances. Dave questioned timeline on discussions with North Middlesex Regional School and per Loxi the sense is we want to move forward as quickly as possible and noted that we have some tools for this that we did not have when we were in discussions with Ayer and Shirley. Chair read the following motion into the record, be it resolved: Having convened in an open meeting on December 8, 2009, the Board of Selectmen of the Town of Lunenburg, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated November 25, 2009 for the Lunenburg High School located at 1079 Massachusetts Avenue, which describes and explains the following deficiencies and the priority category(s) for which Lunenburg may be invited to apply to the Massachusetts School Building Authority in the future

1. Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists. Lunenburg High School is a 50-year-old building with urgent physical facility needs. All building systems are at the end of their useful life with the exception of the unit ventilators in classrooms and air handling units in the gymnasium and auditorium, which were recently replaced.

2. Elimination of existing severe overcrowding. Lunenburg High School has significant space needs. A 2007 inventory of existing spaces indicates that for a renovation approximately 20,000 additional square feet would be the required minimum to satisfy our educational space needs.

3. Prevention of the loss of accreditation. The age, condition, and size of the media center and science labs were significant issues during Lunenburg High School's last accreditation. Additionally, the NEASC Report of the Visiting Committee dated April 2000 indicated that the school needed to upgrade access to technology and expand technology networking.

5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The energy conservation measures most needed involve the building envelope. The existing original single pane windows and the un-insulated roof are the two largest energy-wasters at the school.

7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. The Lunenburg High School facility does not support the functioning of a 21st century high school focused on the known needs and potentials of 14-to-18-year-old learners. The lack of technology infrastructure and the building layout and design limit the ability of our teaching staff to collaborate and work across disciplines, limiting productivity. And hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Lunenburg Public School District to filing an application for funding with the Massachusetts School Building Authority. Tom M., seconded, voted unanimously to approve.

CURRENT BUSINESS

1. Manager Updates

- Our website has guides to our winter operations and information on operations that the DPW follows during storm related issues and there is also a link to the Mass DOT site which provides important tips as well as a winter/storm drivers checklist.
- The Lunenburg Police Department has been awarded a FY 2010 Traffic Enforcement and Equipment Grant totaling \$11,400.00. This award is a High Visibility Traffic and Equipment Grant awarded by the Executive Office of Public Safety and Security, Highway Safety Division. The grant will allow us to conduct six mobilizations and purchase equipment and materials needed to enhance the "Click it or Ticket" and "Drunk Driving, Over the Limit, Under Arrest" initiatives through September 6, 2010. Thanks to Lt. Jim Marino for completing the application. During these tough economic times all grant funding received is truly appreciated for without them many community oriented initiatives would not take place
- Yesterday the MA State Department of Transportation has initiated paving portions of Route 2A, beginning at Meadow Woods and ending somewhere east of the Ayer rotary. The area that the DPW Director requested consideration on between Pine and Elmwood is apparently not in the mix this time around. They will not be addressing any portion related to the Meadow Woods area.
- Town's bond rating has been upgraded to AA, as we will be receiving bids on our bonds this Thursday, last rating that we received was in FY2006, we have gone up two notches. Kerry has not received the official report from the bond rating agency, expect to receive tomorrow and will forward to the members of the board and the Finance Committee. Impact could result in an 1/8 of a percentage or less, will check with our financial advisor, it's good to see over the past three years that we've seen a two grade rate increase.
- **Wireless Update (tentative)** – tabled to 12/15/09.
- **Pearl Brook** – Executive Director of the Housing Authority Eugene Capoccia will be attending next week's board meeting to discuss the Pearl Brook renovation project that has recently gone out to bid and that they do not have funds sufficient to cover the cost of the permits, would like to see these bids ahead of the meeting and would like to ensure that the costs of the permits were not included in the project.
- Chair noted that the Special Legislation passed at the Special Town Meeting should not be submitted without a vote of the Board of Selectmen.
- Kerry noted that the vote of Town Meeting last week has resulted in much communication between departments and that two employees that were not included in the furlough plan have volunteered to take a furlough, one of these is the department head. They have worked this out so that the department will not be negatively impacted. Kerry noted that the best way to implement has been discussed by the departments and she will be looking at the viability of the their recommendations and ways to handle these furloughs.
- Also that the SAFER Grant which is for Fire Departments and there is a grant round that is open right now, it covers the full cost of hiring a firefighter, benefits and scheduled overtime for a two year period of time and the commitment of the town is that we would have to keep the employee for the third year. Kerry will distribute a packet of information and would like feedback from the board. This is not a commitment but an endorsement that the board will support that. To be placed on next week's agenda.

2. Minutes - Board of Selectmen regular session for 11/17/09 and 11/30/09 reviewed and signed.

Warrants - #31 10, 12/8/08 - \$494,668.24 and #12P 10, 12/9/09 - \$701,832.01 reviewed and signed.

Contracts - None

Action File Issues – Paula would like to look in depth at the towns trash program as she would like a clearer understanding of the bags and recycling and as we go through the budget process for the next year we need to look at this program.

Chair noted that we also need to look at all the Enterprise Funds. Steve noted that we could do some research as to what we did when we implemented the trash program, where it started and where we are now. Without that information we're grasping at straws, need to have the history and what the levels have been in order to make any wise decisions on this program and why we decided to implement this program. We had seven haulers in town and we were looking at regulating how they were being handled. The State looks at the Town of Lunenburg as being a model for the PAYT program and DEP uses our name in explaining how the program works. Paula noted that she hasn't formed an opinion and would recommend we address this in a workshop and delve into the history and look at the financial history of the program and what the costs are so that we can make an informed decision. Dave agreed that we don't really know the true cost of the program and how it affects the budget, don't see how there can be a cheaper way. Chair noted that we want to evaluate what the goals are and how we want to achieve them, perhaps sending a flyer with the tax bills and note how much money can be saved, may need to market this program.

Dave noted a compliment that was received from Mrs. Chapman regarding a drainage issue on West Street, Kerry noted the assistance of the DPW Director and they were able to come to an amicable solution to the problem.

OLD BUSINESS

1. Committee Updates

Dave Capital Planning met today and the list has been whittled down quite a bit. A number of school projects are still outstanding. There's been a request submitted for a number of years for DPW to increase their facility, the project has changed a number of ways and the recommendation was that we put together a cost effective plan with the DPW. Noted there are some health concern issues and ways we can alleviate these. Looking for architects, engineers that could come in and help us devise a plan and looking for some support or consideration from this board. Kerry will look at putting something together for the board and will place on the agenda for a future meeting.

Paula questioned the reallocation of space within this building (Town Hall) and where we are with that. Per Kerry, she has been working with Pat Slattery (volunteered his services) and she will be discussing the plans with the building inspector as this building is marginally compliant with ADA and wants to ensure that we're not going to be doing something that would require us to become more ADA compliant and noted that the restroom facilities is also a concern. Recommended placing on the agenda for the first meeting in January. Paula baffled that if we are so concerned with the overcrowding issue, why do we have these office spaces that were occupied and why now we are no longer using this space. Would like to discuss further and before the first meeting in January, as it would seem to make sense to move some of the people from downstairs to upstairs to alleviate some of the overcrowding issues. Per Kerry there are a number of reasons why she can't just pick up an office and move it upstairs, there is a cost factor in moving people upstairs, but there has been tremendous discussion among departments and has solicited input from the departments. You have to think about the offices that need a counter an office space, those that deal regularly with the public that may need to be locked off, need cabling, just not as easy as saying move upstairs and everybody move out. There's a lot going on here and there are a lot of projects going on and don't see it as just as easy as moving an office upstairs. Would like to see this space usable for a longer period of time, noted strips of carpeting that are missing, can't have an uneven carpet as this is one of the biggest causes of workplace accidents and seems more prudent to take more time to put something that is workable together. To be placed on agenda for January.

APPOINTMENTS/REAPPOINTMENTS

1. Appointment – Council on Aging - , Tom M., move to appoint Sandra Flanagan, Steve seconded, voted unanimously.

EXECUTIVE SESSION

Being no further business board voted unanimously to adjourn Regular Session at 9:16 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen